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OFFICE OF PETITIONS

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| In re Application of | : | |
| Norbert Brun, Joel Leleve | : | |
| Application No. 10/730,829 | : | |
| Filed: December 8, 2003 | : | DECISION ACCORDING STATUS |
| Attorney Docket No. 1948-4827 | : | UNDER 37 CFR 1.47(a) |

This is in response to the "DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 C.F.R. § 1.47(a))", filed May 10, 2004.

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on December 8, 2003, without a fully executed oath or declaration. Accordingly, on March 10, 2004, the Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application", requiring a fully executed oath or declaration as well as the surcharge for its late filing. This notice set a shortened statutory period for reply of two months.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an

acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On petition, Rule 47 applicant has attested that inventor Brun was mailed a copy of the application papers on April 10, 2003. However, according to Rule 47 applicant, no executed declaration was returned.

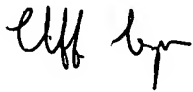
On petition, Rule 47 applicant has satisfied the requirements of 37 CFR 1.47(a). The declaration submitted with the filing of the application has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The \$130 petition fee has been charged to Deposit Account No. 13-4500, as authorized.

The application file is being forwarded to Group Art Unit 2875 for docketing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions